

April 4, 2012



U.S. Department
of Transportation

East Building, PHH – 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 15519

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|---------------------------------|
| EXPIRATION DATE: March 31, 2014 |
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: KMG Electronic Chemicals
Pueblo, CO
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes relief from the requirement to replace the rigid plastic inner receptacle in IBCs used to transport UN2031 with more than 55% nitric acid every 2 years. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
 - c. Party status will not be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.102(c)(4), Table 2, IP Code 15 in that the inner receptacles of the IBC must be replaced every two years, except as provided herein.
5. BASIS: This special permit is based on the application of KMG Electronic Chemicals dated December 6, 2011, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Material Description | | | |
|--|------------------------|-----------------------|---------------|
| Proper Shipping Name | Hazard Class/ Division | Identification Number | Packing Group |
| Nitric acid, other than red fuming, with at least 65 percent, but not more than 70 percent nitric acid | 8 | UN2031 | II |

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - The prescribed packagings are two UN31HH1 composite IBC designs with perfluoroalkoxy (PFA) inner receptacles meeting the specifications of the drawing included in the application and Ten-E periodic design requalification test report #11-4038, dated June 22, 2011, on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA).
- b. TESTING - The packagings must successfully pass the packaging tests as prescribed by 49 CFR Part 178 Subpart O at the Packing Group II performance level.
- c. OPERATIONAL CONTROLS -
- (1) Prior to refilling, each IBC used in accordance with this Special Permit must be inspected in accordance with KMG Electronic Chemicals Inc.'s document P-M-CSP-0012, Rev.: 5 "Returning IBC Inspection," dated October 24, 2011 on file with OHMSPA. The IBCs must be inspected, cleaned, and maintained in accordance with § 180.352(b) and (c).
 - (2) Each IBC must be retested, inspected, cleaned, and maintained in accordance with § 180.352 and KMG Electronic Chemicals Inc.'s document P-M-CSP-008, Rev.: 5 "IBC Tote 2 ½ and 5 Year Internal Inspection," dated July 19, 2011 on file with OHMSPA in intervals no less than 2.5 years starting from the date of manufacture or repair.

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- (3) If an IBC fails either pre-filling inspection or periodic inspection, it must be removed from service or repaired in accordance with § 180.352(d).
- (4) Records of pre-filling and periodic inspections must be maintained for the life of each IBC and two years thereafter.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

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Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 Immediate notice of certain hazardous materials incidents, and 171.16 Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety -- OHMSPA, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at

http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm

Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: BM